

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOSEPH DARVIE,

Plaintiff,

-v.-

Civil Action No.  
9:08-cv-715 (GLS/GHL)

M. COUNTRYMAN, C.O.;  
K. SIMMONS, Lt.; J. COLEMAN,  
Captain; P. HEALY, D.S.S; and  
WILLIAM BROWN, Superintendent,

Defendants

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APPEARANCES:

OF COUNSEL:

**FOR THE PETITIONER:**

JOSEPH DARVIE  
94-A-0560  
Plaintiff *Pro Se*  
Green Haven Correctional Facility  
P.O. Box 4000  
Stormville, New York 12582

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed July 10, 2008. Following ten days from the service thereof, the Clerk has sent the

file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby ORDERED, that the Report-Recommendation of Magistrate Judge George H. Lowe filed July 10, 2008 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the plaintiff's complaint is DISMISSED pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A, and Fed. R. Civ. P. 12(h)(3) for failure to:

(1) File an Amended Complaint that corrects the pleading deficiencies described in Part II.B of the Order and Report Recommendation; and

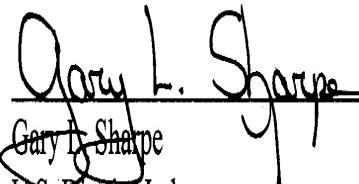
(2) File a completed and signed copy of the Northern District of New York's Inmate Authorization Form and a completed and signed copy of the Northern District of New York's Application to Proceed Without the Full Prepayment of Fees including the "Certificate" portion of that Application (or pay the Court's filing fee of three hundred fifty dollars), and it is further

ORDERED, that the Clerk of the Court enter a judgment in favor of the defendants against the plaintiff, and it is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties in accordance with this court's local rules.

IT IS SO ORDERED.

Dated: August 7, 2008  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge